



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

JUL 09 2014

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5946 6803

Peter J. Paggi
Village of Wappingers Falls
Highway Garage Lower Market Street
Wappingers Falls, NY 12590-2701

Re: Request for Information, Pursuant to Section 1445 of the Safe Drinking Water Act ("SDWA") and Section 308 of the Clean Water Act ("CWA")
Village of Wappingers Falls, Highway Garage Lower Market Street
Docket No. CWA-IR-14-022

Dear Mr. Paggi:

The purpose of this Request for Information ("RFI") letter is to require you to submit information to the United States Environmental Protection Agency ("EPA"), Region 2, regarding the Highway Garage located on Lower Market Street in the Village of Wappingers Falls, New York (the "Site" or "Facility"). On May 19, 2014, the EPA conducted an Underground Injection Control ("UIC") Program inspection of the Village of Wappingers Falls Highway Garage located on Lower Market Street.

The May 19, 2014 inspection revealed that the Facility may be operating an underground injection well subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced Facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations ("CFR") §§ 144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced Facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 CFR § 144.31, or by rule, in accordance with 40 CFR §§ 144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with UIC program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water ("USDW") and endanger human health.

Specifically, there was a drain in the garage that was connected to an outside storm drain that then discharged to an unknown location.

Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1318(a), provides that whenever it is necessary to carry out the objectives of the CWA, including determining whether or not a person/agency is in violation of Section 301 of the CWA, 33 U.S.C. § 1311, the EPA shall require the submission of any information reasonably necessary to make such a determination. Under the authority of Section 308 of the CWA, EPA may require the submission of information necessary to assess the compliance status of any facility and its related appurtenances.

The Village of Wappingers Falls is a municipality subject to the New York State Department of Environmental Conservation ("NYSDEC") Phase II stormwater program which regulates small municipal separate storm sewer systems ("MS4s"). Through the New York State Pollution Discharge Elimination System ("SPDES") program, NYSDEC has issued a General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-0-10-002) ("Permit"). The Permit became effective on May 1, 2010 and expires on April 15, 2015. The Permit supersedes the previous SPDES permits GP-0-08-002 and GP-02-02. According to information made available to the EPA, the Village of Wappingers Falls has coverage under the MS4 Permit and its permit number is NYR20A344.

As a regulated MS4, the Village is required to have a Stormwater Management Program ("SWMP") Plan in accordance with Part IV of the Permit. In addition, Part VII.A.6.a.ii of the Permit requires regulated MS4s to perform and document a self assessment of all municipal operations addressed by the SWMP to determine the sources of pollutants potentially generated by the covered entity's operations and facilities; and identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program if it is not done already, at a minimum frequency of once every three years.

REQUEST FOR INFORMATION

You are hereby required, pursuant to the authority contained in Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), and Section 1445 of the Safe Drinking Water Act, to submit the following information **within 30 days of receipt** of this RFI:

1. A complete copy of the Village of Wappingers Falls SWMP Plan;
2. A copy of the Village of Wappingers Falls self assessment of all municipal operations addressed by its SWMP Plan;
3. Identify the discharge point for each of the drains at your facility. Acceptable options include, but are not limited to, dye testing of drains and as built diagrams of the facility showing piping.

As required by 40 CFR §§ 144.26, 144.27, and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and supplemental instructions for completing the inventory form (EPA Form 7520-16). Please use the supplemental instructions when filling out the inventory form. These documents can also be found on the internet at:

EPA Form 7520-16 –

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

Supplemental instructions –

http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf

Class V injection well types –

http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form.pdf

4. For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

NOT OPERATING AN INJECTION WELL?

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be:

1. A letter from the superintendent of the Sewer Authority reporting that no drains at the Facility discharge to an injection well and where they do discharge; or
2. Results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well; or
3. An updated plumbing blueprint of the Facility verifying where each drain discharges and that none discharge to an injection well.

REQUIRED WELL CLOSURES

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system that serves more than 19 persons a day), you were to have closed the cesspool by April 15, 2005, as required by 40 CFR § 144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leach pit or to a drainfield.

Pursuant to 40 CFR §§ 144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

If you operate a large capacity cesspool or a motor vehicle waste disposal well, please contact Robert Ferri at (212) 637-4227.

CERTIFICATION

Any documents to be submitted must be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

All information required to be submitted by this request shall be sent by registered mail or its equivalent to the following address:

Douglas McKenna, Chief
Water Compliance Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007
Attn: Christy Arvizu

Failure to provide the required information may subject the facility to civil/criminal penalties pursuant to Section 309 of the CWA. Failure to comply with the RFI shall also subject the facility to ineligibility for participation in work associated with Federal contracts, grants or loans. Should you have any questions regarding this request, feel free to have your staff contact Ms. Christy Arvizu at (212) 637-3961 or via e-mail at arvizu.christy@epa.gov.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

Enclosures

cc: Joseph DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC
Shohreh Karimipour, P.E., Regional Water Engineer, NYSDEC, Region 3
Patrick Ferracane, NYSDEC, Region 3 (electronic copy)
David Ruff, Dutchess County Health Department